

CHAPTER 2. NEPA PLANNING AND INTEGRATION

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200. INTRODUCTION.

a. By providing a means for assuring informed decisionmaking, NEPA compliance is an integral component of the FAA's comprehensive environmental responsibilities that enable FAA to carry out its primary mission of assuring aviation safety, security, and efficiency. NEPA provides a means for assuring that environmental concerns and interests of the public and other Federal, State, Tribal, or local agencies are appropriately considered as part of the decisionmaking process. NEPA also provides a means for efficiently complying with related statutes, orders, and regulations. Effective, efficient, and timely environmental analyses, public involvement, and interagency and intergovernmental coordination depend upon determining the appropriate level of review early in planning, budgeting, and scheduling.

b. In accordance with NEPA, environmental issues shall be identified and considered early in an action's planning process, using a systematic, interdisciplinary approach and appropriate community involvement and interagency and intergovernmental coordination to expand the potential sources of information or identify areas of concern regarding the proposed action. Environmental permits and other forms of approval, concurrence, or consultation may be required, often from other agencies. Applicable permit application and other review processes should be included in the planning process to ensure that necessary supporting information is collected and provided to the permitting or reviewing agencies in a timely manner, especially if applicable laws, regulations, or executive orders specify timeframes for these processes.

c. By conducting the NEPA review at the earliest possible time in the planning and decisionmaking process, the responsible FAA official can use the NEPA process most effectively as an umbrella process or vehicle for giving appropriate consideration to specific environmental concerns by:

- (1) Describing the purpose and need for the proposed action.
- (2) Identifying reasonable alternatives (must include no action).
- (3) Rigorously analyzing the reasonably foreseeable direct, indirect, and cumulative environmental impacts of those alternatives, and of nearby activities.
- (4) Providing the basis for public disclosure and comment, and a mechanism for responding to public comments.
- (5) Providing the basis for informed selection of the preferred alternative.
- (6) Evaluating measures to mitigate adverse effects of the preferred alternative and ensuring that these measures are implemented.
- (7) Facilitating compliance with applicable environmental laws, regulations, and executive orders.

d. This chapter guides the responsible FAA official, approving official, and decisionmaker in starting the NEPA process by determining the following:

- (1) Whether an action requires an EA or an EIS.
- (2) Whether the FAA is the lead Federal agency for the NEPA process.

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(3) Which FAA office is responsible for NEPA compliance, including preparing environmental analyses and documents, ensuring public involvement, and completing interagency and intergovernmental coordination and consultation

201. INITIAL REVIEW.

a. The responsible FAA official should initially review whether the proposed action:

(1) could significantly affect the quality of the human environment, for example, with respect to noise, land, air quality, water quality, wildlife, energy supply and natural resources, or historic or archeological resources;

(2) would be located in wetlands, floodplains, coastal zones, prime, unique or state or local important farmlands, habitat of Federally listed endangered or threatened species or affected wildlife, wild and scenic river areas, or areas protected under DOT section 4(f); or

(3) would be highly controversial on environmental grounds (40 CFR 1508.27(b)(4)).

b. Based on the initial environmental review, the responsible FAA official shall identify issues and problems having potentially significant environmental impacts. Further, the responsible FAA official shall determine whether such issues and problems, as they pertain to the proposed action, have been previously addressed in a broad system, program, or regional assessment (see paragraphs on tiering in chapters 3 and 4). Consideration should be given to the existence of minority populations, low-income populations, and children in the geographic area of potentially significant impacts. The responsible FAA official can then decide which type of analysis and documentation, and what extent of public involvement and interagency and intergovernmental coordination and consultation, are appropriate.

c. When appropriate, the responsible FAA official should provide pertinent information to the affected community and agencies and consider their opinions at the earliest formative stage of the action and early in the process of preparing NEPA documentation. The extent of early coordination will depend on the complexity, sensitivity, degree of Federal involvement, and anticipated environmental impacts of the proposed action. Comments received during early coordination on environmental impacts of proposed actions shall be considered, as appropriate, in determining whether an EA, FONSI, or EIS is required (see also paragraph 207 on lead and cooperating agencies, paragraph 208 on public involvement, paragraph 209 on plain language and geographic information, paragraph 210 on reducing paperwork, paragraph 211 on reducing delay, paragraph 212 on interagency and intergovernmental coordination, and appendix 1 on specific requirements for interagency coordination and consultation and public notice and comment under other environmental laws, regulations, and executive orders.)

202. DETERMINATION OF FEDERAL ACTIONS REQUIRING PREPARATION OF AN EA OR AN EIS. The three major levels of NEPA review are categorical exclusions and extraordinary circumstances, environmental assessments (EA), and environmental impact statements (EIS).

a. The first analytical step is to determine whether the proposed action is an advisory action, an emergency action, or a categorical exclusion. If an action is advisory, it is not subject to NEPA review. If an action is an emergency action, and not categorically excluded, then the provisions in Chapter 3, Advisory and Emergency Actions and Categorical Exclusions, for implementing NEPA in the context of an emergency apply. If an action is included in one of the categories in Figure 3-2, Categorical Exclusion List, and no extraordinary circumstances (see paragraph 304) apply to the proposed action, the FAA can take action without further environmental review. (See appendix 1 for associated findings and determinations which may need to be made, and, in certain situations, in consultation with relevant oversight agencies, under special purpose statutes, regulations, and executive orders.)

b. For proposed actions subject to NEPA that do not qualify for categorical exclusion, an EA or an EIS is required. The purpose of an EA is to inform decisionmaking generally or to determine whether a

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proposed action or its alternatives has the potential to significantly affect the environment. If the FAA has decided to prepare an EIS, it does not need to prepare an EA. If the EA indicates no significant impacts from the proposed action, a FONSI is prepared. The FONSI is a determination that the action lacks potentially significant environmental impacts and does not represent the agency's decision to implement the proposed action. The FONSI may be incorporated, along with other required findings, a description of the proposed action, the place and time of implementation, and the point of contact for additional information, into the agency's decision document, sometimes called a Record of Decision or FONSI/ROD. A formal decision document after a FONSI is optional because the agency's decision to act may be evidenced by other documents such as rules, licenses, or approvals. The FONSI and other findings, however, must be documented in the project file.

c. For proposed actions that include mitigation measures to avoid, eliminate, or reduce anticipated significant impacts below applicable significance thresholds, a FONSI must be prepared and include appropriate mitigation commitments. A formal decision document after a FONSI is issued, sometimes called a Record of Decision or FONSI/ROD, is optional because the agency's decision to act may be evidenced by other documents such as rules, licenses, or approvals. The FONSI with the appropriate mitigation commitments, and other required findings, however, must be documented in the project file.

d. If the EA indicates that potentially significant environmental impacts may result from the proposed action, an EIS is required to proceed. An EIS provides additional, detailed evaluations of the proposed action and its alternatives, including the No Action alternative. Where the FAA anticipates that significant effects would result, a decision can be made to prepare an EIS without first developing an EA. No sooner than 30 days after the final EIS has been prepared and the FAA approving official has approved the document, the responsible FAA official may prepare a ROD for the signature of the appropriate decisionmaker. The ROD presents the agency's official decision on the proposed action and identifies any mitigation and monitoring measures.

e. When an application or request is received that requires FAA approval or implementation, environmental analysis may be required. The responsible FAA official may require the applicant or other interested parties to provide sufficient environmental information or analysis to ensure the environmental analysis meets the requirements of this order. In such cases, the responsible FAA official will recommend deferring final action pending receipt of the necessary information or environmental studies from the applicant. Upon receipt of the additional information or environmental studies, the responsible FAA official will determine if the information is sufficient to proceed. FAA may request that the applicant prepare the EA.

203. RESPONSIBILITIES OF THE FAA AND APPLICANTS.

a. The provisions of this order and the CEQ regulations apply to actions directly undertaken by the FAA and where the FAA has sufficient control and responsibility to condition the license or project approval of a non-Federal entity.

b. Where actions are directly undertaken by FAA, the FAA may prepare EAs and EISs, or use contractors in accordance with paragraph 204a.

c. Applicants may prepare EAs. In all other cases, the role of the applicant is limited to providing environmental studies and information. Applicants may fund the preparation of EISs through third-party contracting (see paragraph 204 and appendix 4).

d. For projects directly undertaken by Federal agencies and requiring an EIS, the statement shall be prepared at the feasibility analysis stage, and may be supplemented at a later stage. For applications to the FAA requiring an EA or EIS, the EA or EIS shall be commenced no later than immediately after the application is received.

204. USE OF CONTRACTORS.

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a. Contractor consulting services may be used to prepare EAs and EISs. Contractors also may be used to prepare background or supplemental material and otherwise assist in preparing draft or final environmental documents for which the FAA takes responsibility. When contractors prepare EAs and EISs for the FAA, they must comply with the provisions of this order.

b. The responsible FAA official has overall responsibility for furnishing guidance on, participating in the preparation of, and independently evaluating the environmental document, taking responsibility for scope and content, including computer modeling. Duties of the responsible FAA official may be delegated typically to an environmental specialist, including the authority to sign FONSIs, but not the authority to approve EISs. The agency official authorized to approve FONSIs and EISs is called the approving official. The agency official authorized to approve a record of decision (ROD) based on review of an EIS and formal decision documents to proceed with the action based on review of the EA/FONSI is called the decisionmaker. (See paragraph 11, Definitions.)

c. In some circumstances, a procurement request may be needed to obtain consultant services to perform environmental analyses. FAA procurements for an EA and final design work must be separate to avoid a conflict of interest; however, an EA and preliminary design work may be combined provided the design work is of a generic nature, i.e., not site specific.

d. When an EIS is required, the lead Federal agency is required to select the contractor, who will assist the lead agency in preparing the EIS. (See 40 CFR 1506.5(c) and Appendix 4, FAA Guidance on Third-Party Contracting). If these procedures are not followed in preparing an EA, and the EA results in a decision to prepare an EIS, delay may occur, associated with selecting the contractor in accordance with this paragraph and appendix 4.

e. When a contractor prepares an EIS, the FAA requires the contractor to execute a disclosure statement prepared by the lead agency, or when appropriate, by the cooperating agency (for its portion of the EIS), specifying that the contractor has no financial or other interest in the outcome of the action (see 40 CFR 1506.5(c)).

205. APPLICABILITY. This order is effective immediately upon signature, with the following exception. This order does not apply to decisions made and final environmental documents issued prior to the effective date of this order.

206. SPECIAL INSTRUCTIONS. For actions subject to NEPA, the responsible FAA official should not take any action or make any irretrievable and irreversible commitments of resources until appropriate environmental review has been completed that meets the requirements of this order (see 40 CFR 1502.2(f) and 1502.4(c)(3)).

a. Requirements that apply to EISs may also be considered in preparing EAs.

b. Land acquisition and facility construction.

(1) Unless the acquisition of land is inextricable from the proposed project, that is, part of one continuous project leading inevitably and inexorably to the proposed Federal action, transfer of title or other interests in real property, including land, is not a major Federal action significantly impacting the environment or an irretrievable commitment of resources under NEPA. In some situations, it may not be appropriate to begin negotiations for the land acquisition before completing the environmental impact analysis and documentation. In other situations, it may not be possible to obtain some necessary information to complete the environmental review until after the property has been acquired, in which case, the responsible FAA official must decide whether to proceed with the property acquisition contingent upon obtaining the necessary information, and at the risk of FAA not approving a decision to proceed with the proposed action at the particular site.

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(2) The responsible FAA official will review a proposed action by an applicant that has acquired land or constructed a facility for operation by FAA, but without prior approval by FAA, to determine whether the action was consistent with the policies of this order and has not limited full and objective consideration of alternatives.

c. The responsible FAA official will give particular attention to its responsibilities under DOT section 4(f) to insure that a special effort is made to preserve the natural beauty of countryside, public parks, and recreation lands, wildlife and waterfowl refuges, wild and scenic rivers or study rivers, and historic sites. FAA will not approve actions requiring the use of DOT section 4(f) properties unless there is no feasible and prudent alternative and the program includes all possible planning to minimize harm.

d. The responsible FAA official also will give particular attention to actions involving properties included in or eligible for inclusion in the National Register of Historic Places and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970.

207. ROLE OF LEAD AND COOPERATING AGENCIES. Section 1501.5 of the CEQ regulations describes the role of the lead agency in preparing EISs when more than one agency is involved in a proposed action. Section 1501.6 describes the relationship of the lead agency with cooperating agencies. Sections 1501.7 and 1501.8 describe the role of the lead agency in the scoping process and in setting time limits.

a. Lead agencies may ask Federal agencies with special expertise or jurisdiction by law to be cooperating agencies.

b. The definition of a cooperating agency in 40 CFR 1508.5 also includes any "State or local agency of similar qualifications [i.e., with jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal] or, when the effects are on a reservation, a Native American Tribe, may by agreement with the lead agency become a cooperating agency." For further guidance, see CEQ Memorandum on Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (July 28, 1999).

c. See also Memorandum of Understanding Between the FAA and the Department of Defense (November 1989) regarding NEPA compliance for special use airspace designations, available from the Environmental Programs Division of the FAA Office of Air Traffic Airspace Management, and Memorandum of Agreement Among Department of Defense, Federal Aviation Administration and National Aeronautics and Space Administration on Federal Interaction with Launch Site Operators (August 21, 1997), available from the Space Systems Development Division of the FAA Office for Commercial Space Transportation.

208. PUBLIC INVOLVEMENT.

a. Public involvement shall be initiated as early as possible and continued throughout the development of the proposed action in accordance with the FAA Community Involvement Policy Statement, dated April 17, 1995, and 40 CFR 1500.2(d) to obtain meaningful public input (see also paragraph 201c). Public involvement may be appropriate in defining the scope of work of a NEPA document developed by the FAA or the consultant the FAA selects. It may also be appropriate in defining the scope of work for an EA to be prepared by an applicant for grants-in-aid or an FAA approval or license. Comments from individuals and groups will be considered, as appropriate, in preparing an EA and FONSI or EIS. A summary of public involvement and the environmental issues raised shall be documented in the EA or EIS. Additional information on public involvement can be found in FAA's "Community Involvement Manual," FAA-EE-90-03 (August 1990), and Community Involvement Policy Statement (April 1995), which may be obtained from the Office of Environment and Energy, and 40 CFR 1506.6. Other laws, regulations, and executive orders have specific requirements for public involvement, including but not limited to during rulemaking affecting children's environmental health risks under E.O. 13045,

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Protection of Children from Environmental Health Risks and Safety Risks, dated April 21, 1997 (62 FR 19885, April 23, 1997). See also recommendations for public involvement, including documentation of public involvement activities, related to implementing E.O. 12898 on environmental justice and the accompanying Presidential Memorandum of February 11, 1994 can be found in the Department of Transportation Strategy on Environmental Justice (60 FR 33896, June 25, 1995), Order DOT 5610.2, Environmental Justice in Minority Populations and Low-Income Populations (62 FR 18377, April 15, 1997), EPA Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Reviews (July 1999), and CEQ Environmental Justice: Guidance Under the National Environmental Policy Act (December 10, 1997).

b. The responsible FAA official shall:

- (1) Make efforts to solicit from and provide appropriate information to the public.
- (2) Inform those persons and agencies who may be interested or affected by providing full and fair discussion of environmental effects.
- (3) Provide timely public notice of scoping meetings, public hearings, workshops, and availability of environmental documents (e.g., NOI (Notice of Intent) to prepare and Notice of Availability of environmental documents).

c. If permits, licenses, or other forms of review and approval requiring public involvement are applicable, such as under sections 106 and 110 of the National Historic Preservation Act, section 7 of the Endangered Species Act, section 404 of the Clean Water Act, E.O. 11988, Wetlands, E.O. 11990, Floodplains, section 176(c) of the Clean Air Act, and other air, water, and solid waste permits, and clean-up activities under the Comprehensive Environmental Response, Compensation, and Liability Act, then the responsible FAA official is encouraged to work cooperatively with the other agencies to combine public involvement activities and documents wherever possible and appropriate to integrate the NEPA and applicable permitting and other review processes in accordance with 40 CFR 1500.2(c), 1500.4(k) and (n), and 1500.5.

d. Public hearings. Hearings are lead by a public hearing officer. Agency staff help disseminate information, particularly when a public hearing is combined with an open house. For additional information about the public hearings and meetings, consult with the Office of Environment and Energy. See also, chapter 6 of FAA's Community Involvement Manual (August 1990) and chapter 2 of DOT and the Federal Highway Administration's (FHWA) Public Involvement Techniques for Transportation Decision-making (September 1996).

(1) The following elements are to be considered in deciding whether a public hearing is appropriate in cases where it is not statutorily mandated.

(a) The magnitude of the proposed action in terms of environmental impact or controversy, economic costs, the size and location of the geographic area involved, and the uniqueness or amount of the resources to be committed.

(b) The degree of interest in the proposed action, as evidenced by requests from the public of Federal, Tribal, State, and local authorities that a public hearing be held.

(c) The complexity of the issues and the likelihood that information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities.

(d) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, or written comments on the proposed action.

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(2) The following shall be included in the notice for a public hearing:

- (a) A description of the proposed action.
- (b) The scheduling of the public hearing (time, date, and place).
- (c) The availability and location of a DEIS, FONSI, or EA.

(3) Notice of the public hearing shall be in an areawide or local newspaper of general circulation. CEQ section 1506.6 states that, "In all cases the agency shall mail notice to those who have requested it on an individual action. In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter. . . ."

(4) A draft EIS, FONSI, or EA shall be available to the public at least 30 days prior to the public hearing.

(5) For FAA hearings, the responsible official may assign program officers the responsibility for convening a hearing and serving as hearing officer.

(6) Records of public hearings will be maintained in the docket of the Chief Counsel's office.

209. PLAIN LANGUAGE AND GEOGRAPHIC INFORMATION. 40 CFR 1500.4(d), 1502.1, 1502.2(c), and 1502.8, Order DOT 5610.1C, paragraph 14, and the Executive Orders on environmental justice and intergovernmental consultation encourage the availability of information to the public in a manner that will facilitate public involvement in decisions affecting the human environment. The following executive orders also apply:

a. Executive Order 12906, Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure, April 11, 1994, requires studies and geospatial data collected in the course of preparing an EA or EIS to conform to quality standards established through the intergovernmental coordinating mechanism provided for in the executive order, and chaired by the Federal Geographic Data Committee. For additional information, contact the Office of Environment and Energy.

b. Executive Order 12866, Regulatory Planning Review, and the Presidential Memorandum on Plain Language in Government Writing, dated June 10, 1998 (63 FR 31885, June 10, 1998), requires all Federal agencies to use plain language in all proposed and final rulemaking documents published in the Federal Register and in government documents generally.

210. REDUCING PAPERWORK. The CEQ regulations (40 CFR 1500.4) encourage the reduction of paperwork while still demonstrating in the administrative record that the agency has met the requirements of NEPA and other applicable environmental laws, regulations, and executive orders.

a. The responsible FAA official should integrate NEPA requirements and other applicable environmental reviews and consultation requirements (40 CFR 1500.4(k)).

b. The responsible FAA official should refer to appendixes 1 and 12 for an overview of analyses required under other applicable environmental laws, regulations, and executive orders.

c. CEQ regulations also encourage joint preparation of NEPA documents so that each agency may adopt appropriate documents prepared by another agency (40 CFR 1506.3).

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d. Relevant information may be incorporated by reference if the effect will be to reduce bulk without hindering agency and public review. The information must be briefly described, properly cited, and reasonably available for inspection by potentially interested persons within the time allowed for comment. (See 40 CFR 1502.21).

211. REDUCING DELAY. CEQ regulations encourage the reduction of delay while allowing for public involvement and interagency and intergovernmental consultation.

a. To reduce delay, the responsible FAA official should integrate NEPA requirements, and those of associated permitting and review processes, with the agency's planning and decisionmaking process for the project as early as possible.

b. The responsible FAA official should, where appropriate, use tiering for EISs (40 CFR 1502.20):

(1) A broad or programmatic impact statement may be used to consider similar actions.

(2) A phased approach may be used to focus on issues ripe for decision at each level of environmental review, while summarizing previously discussed issues and disclosing reasonably foreseeable actions. Tiering may also be used in preparing EAs.

c. The responsible FAA official should refer to appendixes 1 and 12 for an overview of requirements under other applicable environmental laws, regulations, and executive orders, identify the information and time required by the oversight agencies to complete their review and, where applicable, jointly prepare or adopt the FAA's EA or EIS to meet their own NEPA requirements (see 40 CFR 1500.5(g) and (h) and 1506.2)).

d. The responsible FAA official should identify any need for additional studies or documentation.

212. INTERGOVERNMENTAL AND INTERAGENCY COORDINATION AND CONSULTATION.

a. The responsible FAA official should consult affected local units of government, and pertinent Federal, State agencies, and Tribal governments early in the NEPA process (see also paragraph 201c). Comments on the environmental impacts of the proposed action shall be considered, as appropriate, in determining whether the proposed action requires an EA/FONSI or EIS and in preparing the EA/FONSI or EIS. See specific requirements for coordination and consultation, which may apply under other environmental laws, regulations, and executive orders. Environmental permits and other forms of approval, concurrence, or consultation may be required from other agencies. Applicable permit application and other review processes should be included in the planning process to ensure that the necessary supporting information is collected and provided to the permitting or reviewing agencies in a timely manner, especially if the applicable laws, regulations, or executive orders specify timeframes for these processes.

b. The following executive orders also apply generally:

(1) **State and local governments.** In accordance with Executive Order 12372, Intergovernmental Review of Federal Programs, dated July 14, 1982 (as supplemented by Executive Order 13132, Federalism, dated August 4, 1999 (64 FR 43255, August 10, 1999)), and 49 CFR part 17, Intergovernmental Review of DOT Programs and Activities, the responsible FAA official shall provide the opportunity for State and local officials to review and comment on Federal actions for Federal assistance or actions affecting them. A few States have established a point of contact, often within the governor's office, to coordinate comments by State agencies. Otherwise, the responsible FAA official should contact appropriate State agencies directly. Please refer to the Council of State Governments' directories and webpage (www.statesnews.org, which, as currently organized, includes under "other resources" links to "State pages") to identify appropriate State agencies. See also specific requirements for consultation with State and local governments in Appendix 1, Analysis of Environmental Impact Areas.

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(2) Tribal governments. In accordance with Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, May 14, 1998 (63 FR 27655, May 19, 1998), the responsible FAA official must consult in a timely and meaningful manner with Tribal governments in formulating policies, including regulatory policies, significantly or uniquely affecting tribal governments and be guided, to the extent permitted by law, by principles of respect for Indian tribal self-government and sovereignty, for Tribal treaty and other rights, and for responsibilities that arise from the unique legal relationship between the Federal Government and Indian Tribal governments. The Presidential Memorandum on Government-to-Government Relations with Native American Tribal Governments, dated April 29, 1994 (59 FR 22951, May 4, 1994), outlines principles for government-to-government consultation with Indian Tribal governments. The Office of Management and Budget's Memoranda M-95-09 (March 31, 1995) and M-95-20 (September 21, 1995) provide additional information on principles of government-to-government consultation. Consultation should be initiated with the recognized leader of the Tribal government and by the appropriate agency official and advice sought on how to proceed with consultation based on tribal culture and organization. See also specific requirements for consultation with tribal governments in Appendix 1, Analysis of Environmental Impact Areas. Sources of information for addresses to contact Tribal governments include, for example, Tiller's Guide to Indian Country (1996: BowArrow Publishing Company, Albuquerque, New Mexico), State Historic Preservation Offices, the Bureau of Indian Affairs, and the FAA Federal Historic Preservation Officer.

(3) Foreign governments. In accordance with Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, dated January 4, 1979 (44 FR 18722, March 29, 1979), specific treaties, and DOT Order 5610.1C, paragraph 16, the responsible FAA official should consult with the Office of Environment and Energy and P-1, to initiate consultation with foreign governments for proposed actions outside the United States, its territories, and possessions that have the potential to significantly affect the global commons or the environment of other nations.

c. The responsible FAA official should refer to relevant interagency memoranda of agreement and understanding. (See also Appendix 1, Analysis of Environmental Impact Areas; Appendix 12, Related Executive Orders, DOT & FAA Orders, and Memoranda/Guidance; and contact the Environment, Energy and Employee Safety Division (AEE-200) or the Environmental Branch (AGC-620) of the Office of Chief Counsel for information on the status of this and other interagency memoranda).

d. Various laws, regulations, executive orders, and departmental orders establish interagency coordinating mechanisms, e.g., related to invasive species, coral reefs, and children's environmental health risks. The responsible FAA official should review Appendix 1, Analysis of Environmental Impact Areas, and contact the Environment, Energy and Employee Safety Division (AEE-200) or the Environmental Branch (AGC-620) of the Office of Chief Counsel for more specific information..

e. In accordance with 40 CFR 1503.2, when FAA is invited to comment or is a cooperating agency because it has jurisdiction by law or special expertise with respect to any environmental impact involved or is authorized to develop and enforce environmental standards, the responsible FAA official shall, if it is satisfied that its views are adequately reflected in the environmental document, reply that it has no comment. If the responsible FAA official or the Office of Environment and Energy prepares comments, the comments should be as timely and specific as possible, indicating what additional information it needs to fulfill other applicable environmental reviews or consultation requirements, and, if it objects or expresses a reservation about the proposed action based on potential environmental impacts, what mitigation measures it considers necessary to allow the program office to grant or approve applicable permit, license, or related requirements or concurrences.

213. ROLES AND RESPONSIBILITIES. The roles and responsibilities of the offices, services, regions, and centers in the FAA for complying with this order are described below. Responsibilities may be delegated in accordance with appropriate FAA orders, such as Order 1100.154A, Delegations of Authority.

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a. Assistant Administrator for Region and Center Operations (ARC) is responsible for overseeing Regional Administrators and the Director of the Mike Monroney Aeronautical Center, or designee, who are responsible for coordinating cross-divisional and cross-regional environmental matters and for overseeing regional environmental activities.

b. Associate Administrator for Airports (ARP) is responsible for considering the environmental impacts of proposed FAA approvals of airport layout plans and FAA-funded airport actions to assure compliance with NEPA requirements and other Federal and Departmental environmental laws, regulations, and orders. Airports personnel shall comply with the NEPA requirements in the most current versions of FAA Order 5050.4. ARP's Office of Airport Planning and Programming, Community and Environmental Needs Division, APP-600, provides guidance to Regional and District Airports personnel concerning Federal, Departmental, and agency environmental policy regarding airport development actions.

c. Assistant Administrator for Policy, Planning, and International Aviation (API) is responsible for providing policy guidance to the agency on implementing a wide range of environmental laws and regulations. The Office of Environment and Energy (AEE) provides policy oversight on FAA environmental actions; issues regulations for aircraft noise and emissions under 14 CFR parts 34 and 36; provides assistance as necessary in developing guidelines and procedures for FAA program areas; serves as the designated FAA NEPA liaison in accordance with 40 CFR 1507.2 "to be responsible for overall review of agency NEPA compliance" and Federal Preservation Officer in accordance with section 110 of the National Historic Preservation Act; interprets policies established in this order; provides assistance with computerized environmental tools, such as the "Integrated Noise Modeling" (INM) for aircraft noise and the "Emissions Dispersion Modeling System" (EDMS) for air quality; and provides advice to and supplements NEPA training programs in cooperation with the Office of Learning and Development and other applicable organizational elements.

d. Office of the Chief Counsel (AGC) is responsible for providing legal advice on NEPA compliance and legal requirements. AGC reviews section 4(f) on FEIS's; counsels and assists headquarters staff in accomplishing FAA environmental actions, and advises on the legal sufficiency of environmental documents. Regional Counsel and Center Counsel are responsible for providing legal counsel, assistance, and review in the conduct of regional environmental activities related to FAA environmental actions and in advising on the legal sufficiency of regional and center environmental documents.

e. Associate Administrator for Air Traffic Services (ATS) is responsible for evaluating the environmental impacts for all actions arising out of ATS responsibilities that require NEPA compliance.

(1) Air Traffic Service (AAT) is responsible for ensuring that the appropriate NEPA documentation is prepared for all air traffic actions originating in their region. The division manager or designee ensures that the depth of environmental study appropriate for a proposed action has been determined, and that the required documentation is prepared in a complete and timely manner. AAT's headquarters office, which originates a proposed system-wide action, is responsible for preparing the associated EA, FONSI, EIS, or ROD. Input may be requested from regional offices and field facilities for an action originating within headquarters.

(2) Airway Facilities Service (AAF) is responsible for considering the environmental impacts of the acquisition, management, and disposition of facilities and equipment (F&E). These are usually of local nature in the region. The regional division manager is responsible for site-specific NEPA processing and preparing documents for modifying, expanding, or upgrading existing facilities and supporting land acquisition and construction design documents that are required by the regional Logistics Division (also see paragraph 210g(1) below). In addition, Airway Facilities Service is responsible for being the agency's program manager for non-Federal facility actions (see 14 CFR part 171, Non-Federal Navigation Facilities). An example of such an action is a request from a non-Federal sponsor to change a VOR procedure.

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(3) Aviation System Standards (AVN) is responsible for complying with FAA requirements under the aircraft program and maintenance of agency aircraft. The National Flight Procedures Office or designee is responsible for ensuring that environmental factors are considered for all its instrument procedures that require NEPA compliance.

f. Associate Administrator for Commercial Space Transportation (AST) is responsible for considering the environmental impacts of commercial launch activities. The FAA is authorized to regulate and license U.S. commercial launch and re-entry activities and as such, AST is responsible for ensuring that launch services provided by private enterprises are consistent with national security and foreign policy interests of the United States and do not jeopardize public safety and the safety of property. AST's authority extends to licensing of commercial launch vehicles (LVs) and is considered to be a major Federal action subject to NEPA requirements. Launch and re-entry licenses also identify the requirement for the proper oversight and control of launch activities. AST issues launch and re-entry specific and launch and re-entry site operators licenses.

g. Associate Administrator for Regulation and Certification (AVR) is responsible for ensuring that environmental factors are considered for all actions arising out of AVR responsibilities that require NEPA compliance.

(1) The preparation of required environmental analysis within AVR is delegated, as appropriate, to the Flight Standards Service, Aircraft Certification Service, regional Flight Standards Service division managers, and Aircraft Certification Directorate managers.

(2) Normally, the district or field office responsible for the action is responsible for the environmental assessment (EA). Regional division managers and staff will assist and monitor district and field offices activities in the preparation of EAs. Regional Flight Standards division managers and directorate managers are responsible for coordination of actions involving environmental documents which cross organizational lines within AVR and with other FAA organizations. The headquarters divisions, with assistance from the regions, will develop and coordinate findings of no significant impact (FONSI).

(3) Documentation, including the analysis of environmental factors, shall be retained in the project folder to substantiate the EA.

(4) An EA or EIS pertaining to a regulatory action shall be prepared for the signature of the appropriate Service Director. Prior coordination and concurrence is required from the Office of the Chief Counsel (AGC) and the Office of Rulemaking (ARM), for any EA or EIS pertaining to a regulatory action.

h. Associate Administrator for Research and Acquisitions (ARA) is responsible for ensuring that environmental factors are considered for all actions arising out of ARA responsibilities that require NEPA compliance.

(1) Office of Communications, Navigation, and Surveillance Systems (AND) is responsible for preparing EAs or EISs for broad actions (programmatic EAs or EISs) to consider the environmental impacts of fielding systems. AND preparation of programmatic EISs is selective and will be decided on a program-by-program basis. Subsequent, related site-specific environmental documents may tier upon these EISs. Regional Airway Facilities divisions are responsible for site-specific NEPA processing and preparing documents for modifying, expanding, or upgrading existing facilities. AND will provide guidance and oversight. Regional Airway Facilities Divisions are usually responsible for processing and preparing all site-specific NEPA documents for new systems; however, upon agreement, AND will share this responsibility.

(2) Office of Acquisitions (ASU) is responsible for considering environmental impacts of policy and procedures for the acquisition, management, and disposal of land. The regional Logistics Division is responsible for ensuring that construction contracts, acquisitions, disposal of lands, or other real property interests do not commence until all agency environmental requirements have been completed.

(DRAFT Order 1050.1E Chapter 2)

(date of draft: October 30, 1999)

(3) Office of System Architecture and Investment Analysis (ASD) is responsible for considering environmental impacts of establishing procedures for the National Airspace System (NAS) programs, facilities (e.g., Airport Traffic Control Towers (ATCT), Terminal Radar Approach Controls (TRACON), Air Route Traffic Control Centers (ARTCC), Flight Service Stations (FSS), remote unmanned facilities, depots), and research/development activities.

(4) Director of the William J. Hughes Technical Center (ACT), or designee is responsible for coordinating cross-divisional environmental matters and for overseeing center environmental activities, including NEPA compliance.

i. Assistant Administrator for Financial Services (ABA) is responsible for assuring that adequate funding is available for NEPA activities in the budget outyears. ABA assures that services, regions, centers, and offices consider NEPA activities in their budget submittals in the annual call for estimates. The Office of Budget (ABU) also uses this order as the basis for supporting the annual call for estimates related to additional costs required for environmental activities.

j. The Assistant Administrator for Human Resource Management (AHR) is responsible for incorporating training requirements in the individual development plans for appropriate personnel. Within AHR, the Office of Learning and Development (AHT) assures that FAA training is updated to include instruction on NEPA for appropriate personnel, in cooperation with the Center for Management Development, AHM, the FAA Academy, AMA, at the Mike Monroney Aeronautical Center, AMC, the Office of Environment and Energy within the Associate Administrator for Policy, Planning, and International Aviation, and the Environmental Law Branch of the Office of Chief Counsel, AGC, and training staff within the program offices.

k. The Office of Civil Rights (ACR) is responsible for determining whether projects receiving Federal financial assistance from the FAA comply with the appropriate civil rights laws and regulations, and executive orders, including those requirements under the E.O. 12898 and the accompanying Presidential Memorandum concerning environmental justice and DOT Order 5610 on environmental justice in the context of Title VI of the Civil Rights Act of 1964, as amended. (see Order 1400.11, Nondiscrimination in Federally Assisted Programs of FAA).

l. Associate Administrator for Civil Aviation Security (ACS) is responsible for NEPA compliance in security activities.

214.-299. RESERVED.